

Union Calendar No. 140

104TH CONGRESS
1ST SESSION

H. R. 1815

[Report No. 104-237, Parts I and II]

A BILL

To authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal year 1996, and for other purposes.

SEPTEMBER 29, 1995

Reported from the Committee on Resources with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 1995

Mr. ROHRABACHER (for himself and Mr. HAYES) introduced the following bill;
which was referred to the Committee on Science, and in addition to the
Committee on Resources, for a period to be subsequently determined by
the Speaker, in each case for consideration of such provisions as fall with-
in the jurisdiction of the committee concerned

AUGUST 4, 1995

Reported from the Committee on Science with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

AUGUST 4, 1995

Referral to the Committee on Resources extended for a period ending not later
than September 22, 1995

SEPTEMBER 29, 1995

Referral to the Committee on Resources extended for a period ending not later
than September 29, 1995

SEPTEMBER 29, 1995

From the Committee on Resources reported with an amendment, committed
to the Committee of the Whole House on the State of the Union, and
ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 13, 1995]

[Strike out all after the enacting clause and insert the part printed in **bold face roman**]

A BILL

To authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal year 1996, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Oceanic and*
5 *Atmospheric Administration Authorization Act of 1995”.*

6 **SEC. 2. DEFINITIONS.**

7 *For the purposes of this Act, the term—*

8 *(1) “Act of 1890” means the Act entitled “An*
9 *Act to increase the efficiency and reduce the expenses*
10 *of the Signal Corps of the Army, and to transfer the*
11 *Weather Bureau to the Department of Agriculture”,*
12 *approved October 1, 1890 (26 Stat. 653);*

13 *(2) “Act of 1947” means the Act entitled “An*
14 *Act to define the functions and duties of the Coast*
15 *and Geodetic Survey, and for other purposes”, ap-*
16 *proved August 6, 1947 (33 U.S.C. 883a et seq.);*

17 *(3) “Act of 1970” means the Act entitled “An*
18 *Act to clarify the status and benefits of commissioned*
19 *officers of the National Oceanic and Atmospheric Ad-*
20 *ministration, and for other purposes”, approved De-*
21 *cember 31, 1970 (33 U.S.C. 857–1 et seq.);*

1 (4) “Administrator” means the Administrator of
2 the National Oceanic and Atmospheric Administra-
3 tion; and

4 (5) “Secretary” means the Secretary of Com-
5 merce.

6 **TITLE I—ATMOSPHERIC, WEATH-**
7 **ER, AND SATELLITE PRO-**
8 **GRAMS**

9 **SEC. 101. NATIONAL WEATHER SERVICE.**

10 (a) *OPERATIONS AND RESEARCH.*—There are author-
11 ized to be appropriated to the Secretary to enable the Na-
12 tional Oceanic and Atmospheric Administration to carry
13 out the operations and research duties of the National
14 Weather Service, \$472,338,000 for fiscal year 1996. Such
15 duties include meteorological, hydrological, and oceano-
16 graphic public warnings and forecasts, as well as applied
17 research in support of such warnings and forecasts.

18 (b) *SYSTEMS ACQUISITION.*—There are authorized to
19 be appropriated to the Secretary to enable the National Oce-
20 anic and Atmospheric Administration to carry out the pub-
21 lic warning and forecast systems duties of the National
22 Weather Service, \$79,034,000 for fiscal year 1996. Such du-
23 ties include the development, acquisition, and implementa-
24 tion of major public warning and forecast systems. None
25 of the funds authorized under this subsection shall be used

1 *for the purposes for which funds are authorized under sec-*
2 *tion 102(b) of the National Oceanic and Atmospheric Ad-*
3 *ministration Authorization Act of 1992 (Public Law 102–*
4 *567). None of the funds authorized by such section 102(b)*
5 *shall be expended for a particular NEXRAD installation*
6 *unless—*

7 *(1) it is identified as a National Weather Service*
8 *NEXRAD installation in the National Implementa-*
9 *tion Plan for modernization of the National Weather*
10 *Service, required under section 703 of the National*
11 *Oceanic and Atmospheric Administration Authoriza-*
12 *tion Act of 1992 (Public Law 102–567); or*

13 *(2) it is to be used only for spare parts, not as*
14 *an installation at a particular site.*

15 *(c) NEW NEXRAD INSTALLATIONS.—No funds may be*
16 *obligated for NEXRAD installations not identified in the*
17 *National Implementation Plan for 1996, unless the Sec-*
18 *retary certifies that such NEXRAD installations can be ac-*
19 *quired within the authorization for NEXRAD contained in*
20 *section 102(b) of the National Oceanic and Atmospheric Ad-*
21 *ministration Authorization Act of 1992.*

22 *(d) ASOS PROGRAM AUTHORIZATION.—Of the sums*
23 *authorized in subsection (b), \$16,952,000 for fiscal year*
24 *1996 are authorized to be appropriated to the Secretary,*
25 *for the acquisition and deployment of—*

1 (A) the Automated Surface Observing System
2 and related systems, including multisensor and
3 backup arrays for National Weather Service sites at
4 airports; and

5 (B) Automated Meteorological Observing System
6 and Remote Automated Meteorological Observing Sys-
7 tem replacement units,
8 and to cover all associated activities, including program
9 management and operations and maintenance.

10 (e) AWIPS AUTHORIZATION.—Of the sums authorized
11 in subsection (b), there are authorized to be appropriated
12 to the Secretary \$52,097,000 for fiscal year 1996, to remain
13 available until expended, for—

14 (1) the acquisition and deployment of the Ad-
15 vanced Weather Interactive Processing System and
16 NOAA Port and associated activities; and

17 (2) associated program management and oper-
18 ations and maintenance.

19 (f) CONSTRUCTION OF WEATHER FORECAST OF-
20 FICES.—There are authorized to be appropriated to the Sec-
21 retary to enable the National Oceanic and Atmospheric Ad-
22 ministration to carry out construction, repair, and modi-
23 fication activities relating to new and existing weather fore-
24 cast offices, \$20,628,000 for fiscal year 1996. Such activities

1 *include planning, design, and land acquisition related to*
2 *such offices.*

3 *(g) STREAMLINING WEATHER SERVICE MODERNIZA-*
4 *TION.—*

5 *(1) REPEALS.—Sections 706 and 707 of the*
6 *Weather Service Modernization Act (15 U.S.C. 313*
7 *note) are repealed.*

8 *(2) CONFORMING AMENDMENTS.—The Weather*
9 *Service Modernization Act (15 U.S.C. 313 note) is*
10 *amended—*

11 *(A) in section 702, by striking paragraph*
12 *(3) and redesignating paragraphs (4) through*
13 *(10) as paragraphs (3) through (9), respectively;*
14 *and*

15 *(B) in section 703—*

16 *(i) by striking “(a) NATIONAL IMPLE-*
17 *MENTATION PLAN.—”;*

18 *(ii) by striking paragraph (3) and re-*
19 *designating paragraphs (4), (5), and (6) as*
20 *paragraphs (3), (4), and (5), respectively;*
21 *and*

22 *(iii) by striking subsections (b) and*
23 *(c).*

1 **SEC. 102. ATMOSPHERIC RESEARCH.**

2 (a) *CLIMATE AND AIR QUALITY RESEARCH.*—(1)
3 *There are authorized to be appropriated to the Secretary*
4 *to enable the National Oceanic and Atmospheric Adminis-*
5 *tration to carry out its climate and air quality research*
6 *duties, \$86,757,000 for fiscal year 1996. Such duties include*
7 *interannual and seasonal climate research and long-term*
8 *climate and air quality research.*

9 (2) *The Administrator shall ensure that at least the*
10 *same percentage of the climate and air quality research*
11 *funds that were provided to institutions of higher education*
12 *for fiscal year 1995 is provided to institutions of higher*
13 *education from funds authorized by this subsection.*

14 (b) *ATMOSPHERIC PROGRAMS.*—*There are authorized*
15 *to be appropriated to the Secretary to enable the National*
16 *Oceanic and Atmospheric Administration to carry out its*
17 *atmospheric research duties, \$39,894,000 for fiscal year*
18 *1996. Such duties include research for developing improved*
19 *prediction capabilities for atmospheric processes, as well as*
20 *solar-terrestrial research and services.*

21 (c) *GLOBE AUTHORIZATION.*—*There are authorized*
22 *to be appropriated to the Secretary to enable the National*
23 *Oceanic and Atmospheric Administration to carry out the*
24 *Global Learning and Observations to Benefit the Environ-*
25 *ment program, \$7,000,000 for fiscal year 1996.*

1 **SEC. 103. NATIONAL ENVIRONMENTAL SATELLITE, DATA,**
2 **AND INFORMATION SERVICE.**

3 (a) *SATELLITE OBSERVING SYSTEMS.*—There are au-
4 thorized to be appropriated to the Secretary to enable the
5 National Oceanic and Atmospheric Administration to carry
6 out its satellite observing systems duties, \$319,448,000 for
7 fiscal year 1996, to remain available until expended. Such
8 duties include spacecraft procurement, launch, and associ-
9 ated ground station systems involving polar orbiting and
10 geostationary environmental satellites, as well as the oper-
11 ation of such satellites. None of the funds authorized under
12 this subsection shall be used for the purposes for which funds
13 are authorized under section 105(d) of the National Oceanic
14 and Atmospheric Administration Authorization Act of 1992
15 (Public Law 102–567).

16 (b) *POES PROGRAM AUTHORIZATION.*—Of the sums
17 authorized in subsection (a), there are authorized to be ap-
18 propriated to the Secretary \$184,425,000 for fiscal year
19 1996, to remain available until expended, for the procure-
20 ment of Polar Orbiting Environmental Satellites K, L, M,
21 N, and N¹, and the procurement of the launching and sup-
22 porting ground systems of such satellites.

23 (c) *GEOSTATIONARY OPERATIONAL ENVIRONMENTAL*
24 *SATELLITES.*—Of the sums authorized in subsection (a),
25 there are authorized to be appropriated to the Adminis-

1 *trator \$46,300,000 for fiscal year 1996, to remain available*
2 *until expended—*

3 *(1) to procure up to three additional Geo-*
4 *stationary Operational Environmental NEXT Sat-*
5 *ellites (GOES I–M clones) and instruments; and*

6 *(2) for contracts, and amendments or modifica-*
7 *tions of contracts, with the developer of previous*
8 *GOES-NEXT satellites for the acquisition of the addi-*
9 *tional satellites and instruments described in para-*
10 *graph (1).*

11 *(d) ENVIRONMENTAL DATA AND INFORMATION SERV-*
12 *ICES.—There are authorized to be appropriated to the Sec-*
13 *retary to enable the National Oceanic and Atmospheric Ad-*
14 *ministration to carry out its environmental data and infor-*
15 *mation services duties, \$35,665,000 for fiscal year 1996.*
16 *Such duties include climate data services, geophysical data*
17 *services, and environmental assessment and information*
18 *services.*

19 *(e) NATIONAL POLAR-ORBITING OPERATIONAL ENVI-*
20 *RONMENTAL SATELLITE SYSTEM PROGRAM AUTHORIZA-*
21 *TION.—Of the sums authorized in subsection (a), there are*
22 *authorized to be appropriated to the Secretary, for fiscal*
23 *year 1996, \$39,500,000, to remain available until expended,*
24 *for the procurement of the National Polar-Orbiting Oper-*
25 *ational Environmental Satellite System, and the procure-*

1 *ment of the launching and supporting ground systems of*
 2 *such satellites.*

3 ***TITLE II—MARINE RESEARCH***

4 ***SEC. 201. NATIONAL OCEAN SERVICE.***

5 *(a) MAPPING AND CHARTING.—There are authorized*
 6 *to be appropriated to the Secretary, to enable the National*
 7 *Oceanic and Atmospheric Administration to carry out*
 8 *mapping and charting activities under the Act of 1947 and*
 9 *any other law involving those activities, \$29,149,000.*

10 *(b) GEODESY.—There are authorized to be appro-*
 11 *priated to the Secretary, to enable the National Oceanic and*
 12 *Atmospheric Administration to carry out geodesy activities*
 13 *under the Act of 1947 and any other law involving those*
 14 *activities, \$19,927,000 for fiscal year 1996.*

15 *(c) OBSERVATION AND PREDICTION.—*

16 *(1) IN GENERAL.—There are authorized to be ap-*
 17 *propriated to the Secretary, to enable the National*
 18 *Oceanic and Atmospheric Administration to carry*
 19 *out observation and prediction activities under the*
 20 *Act of 1947 and any other law involving those activi-*
 21 *ties, \$11,279,000 for fiscal year 1996.*

22 *(2) CIRCULATORY SURVEY PROGRAM.—In addi-*
 23 *tion to amounts authorized under paragraph (1),*
 24 *there are authorized to be appropriated to the Sec-*
 25 *retary, to enable the National Oceanic and Atmos-*

1 *pheric Administration to carry out the Circulatory*
2 *Survey Program, \$695,000 for fiscal year 1996.*

3 (3) *OCEAN AND EARTH SCIENCES.*—*In addition*
4 *to amounts authorized under paragraph (1), there are*
5 *authorized to be appropriated to the Secretary, to en-*
6 *able the National Oceanic and Atmospheric Adminis-*
7 *tration to carry out ocean and earth science activi-*
8 *ties, \$4,231,000 for fiscal year 1996.*

9 (d) *ESTUARINE AND COASTAL ASSESSMENT.*—

10 (1) *IN GENERAL.*—*There are authorized to be ap-*
11 *propriated to the Secretary, to enable the National*
12 *Oceanic and Atmospheric Administration to support*
13 *estuarine and coastal assessment activities under the*
14 *Act of 1947 and any other law involving those activi-*
15 *ties, \$1,171,000 for fiscal year 1996.*

16 (2) *OCEAN ASSESSMENT.*—*In addition to*
17 *amounts authorized under paragraph (1), there are*
18 *authorized to be appropriated to the Secretary, to en-*
19 *able the National Oceanic and Atmospheric Adminis-*
20 *tration to carry out the National Status and Trends*
21 *Program, the Strategic Environmental Assessment*
22 *Program, and the Hazardous Materials Response Pro-*
23 *gram, \$8,401,000 for fiscal year 1996.*

24 (3) *DAMAGE ASSESSMENT PROGRAM.*—*In addi-*
25 *tion to amounts authorized under paragraph (1),*

1 *there are authorized to be appropriated to the Sec-*
 2 *retary, to enable the National Oceanic and Atmos-*
 3 *pheric Administration to carry out the Damage As-*
 4 *essment Program, \$585,000 for fiscal year 1996.*

5 (4) *COASTAL OCEAN PROGRAM.—In addition to*
 6 *amounts authorized under paragraph (1), there are*
 7 *authorized to be appropriated to the Secretary, to en-*
 8 *able the National Oceanic and Atmospheric Adminis-*
 9 *tration to carry out the Coastal Ocean Program,*
 10 *\$9,158,000 for fiscal year 1996.*

11 **SEC. 202. OCEAN AND GREAT LAKES RESEARCH.**

12 (a) *MARINE PREDICTION RESEARCH.—There are au-*
 13 *thorized to be appropriated to the Secretary, to enable the*
 14 *National Oceanic and Atmospheric Administration to carry*
 15 *out marine prediction research activities under the Act of*
 16 *1947, the Act of 1890, and any other law involving those*
 17 *activities, \$13,763,000 for fiscal year 1996.*

18 (b) *NATIONAL SEA GRANT COLLEGE PROGRAM.—(1)*
 19 *Section 212(a) of the National Sea Grant College Program*
 20 *Act (33 U.S.C. 1131(a)) is amended to read as follows:*

21 “(a) *GRANTS AND CONTRACTS; FELLOWSHIPS.—There*
 22 *are authorized to be appropriated to carry out sections 205*
 23 *and 208, \$34,500,000 for fiscal year 1996.”.*

24 (2) *Section 212(b)(1) of the National Sea Grant Col-*
 25 *lege Program Act (33 U.S.C. 1131(b)(1)) is amended by*

1 *striking “an amount” and all that follows through “not to*
 2 *exceed \$2,900,000” and inserting in lieu thereof*
 3 *“\$1,500,000 for fiscal year 1996”.*

4 *(3) Section 203(4) of the National Sea Grant College*
 5 *Program Act (33 U.S.C. 1122(4)) is amended by striking*
 6 *“discipline or field” and all that follows through “public*
 7 *administration)” and inserting in lieu thereof “field or dis-*
 8 *cipline involving scientific research”.*

9 ***SEC. 203. USE OF OCEAN RESEARCH RESOURCES OF OTHER***
 10 ***FEDERAL AGENCIES.***

11 *(a) FINDINGS.—The Congress finds the following:*

12 *(1) Observing, monitoring, and predicting the*
 13 *ocean environment has been a high priority for the*
 14 *defense community to support ocean operations.*

15 *(2) Many advances in ocean research have been*
 16 *made by the defense community which could be*
 17 *shared with civilian researchers.*

18 *(3) The National Oceanic and Atmospheric Ad-*
 19 *ministration’s missions to describe and predict the*
 20 *ocean environment, manage the Nation’s ocean and*
 21 *coastal resources, and promote stewardship of the*
 22 *world’s oceans would benefit from increased coopera-*
 23 *tion with defense agencies.*

24 *(b) SENSE OF CONGRESS.—It is the sense of the Con-*
 25 *gress that the National Oceanic and Atmospheric Adminis-*

1 *tration should expand its efforts to develop interagency*
2 *agreements to further the use of defense-related technologies,*
3 *data, and other resources to support its oceanic missions.*

4 *(c) REPORT.—*

5 *(1) IN GENERAL.—Not later than 120 days after*
6 *the date of the enactment of this Act, the Secretary of*
7 *Commerce shall submit to the Committee on Science*
8 *of the House of Representatives and the Committee on*
9 *Commerce, Science, and Transportation of the Senate*
10 *a report on the feasibility of expanding the use of de-*
11 *fense-related technologies, data, and other resources to*
12 *support and enhance the oceanic missions of the Na-*
13 *tional Oceanic and Atmospheric Administration.*

14 *(2) CONTENTS.—The report required under*
15 *paragraph (1) shall include—*

16 *(A) a detailed listing of defense-related re-*
17 *sources currently available to the National Oce-*
18 *anic and Atmospheric Administration and the*
19 *National Oceanic and Atmospheric Administra-*
20 *tion missions which utilize those resources;*

21 *(B) detailed findings and recommendations,*
22 *including funding requirements, on the potential*
23 *for expanding the use of available defense-related*
24 *resources;*

1 (C) a detailed listing and funding history of
2 the National Oceanic and Atmospheric Adminis-
3 tration resources, including data and technology,
4 which could be supplemented by defense-related
5 resources;

6 (D) a listing of currently unavailable de-
7 fense-related resources, including data and tech-
8 nology, which if made available would enhance
9 the National Oceanic and Atmospheric Adminis-
10 tration mission performance;

11 (E) recommendations on the regulatory and
12 legislative structures needed to maximize the use
13 of defense-related resources;

14 (F) an assessment of the respective roles in
15 the use of defense-related resources of the Army
16 Corps of Engineers, data centers, operational
17 centers, and research facilities of the National
18 Oceanic and Atmospheric Administration; and

19 (G) recommendations on how to provide ac-
20 cess to relevant defense-related data for non-Fed-
21 eral scientific users.

22 **TITLE III—PROGRAM SUPPORT**

23 **SEC. 301. PROGRAM SUPPORT.**

24 (a) EXECUTIVE DIRECTION AND ADMINISTRATIVE AC-
25 TIVITIES.—There are authorized to be appropriated to the

1 *Secretary, to enable the National Oceanic and Atmospheric*
2 *Administration to carry out executive direction and admin-*
3 *istrative activities under the Act of 1970 and any other law*
4 *involving those activities, \$20,632,000 for fiscal year 1996.*

5 (b) *CENTRAL ADMINISTRATIVE SUPPORT.*—*There are*
6 *authorized to be appropriated to the Secretary, to enable*
7 *the National Oceanic and Atmospheric Administration to*
8 *carry out central administrative support activities under*
9 *the Act of 1970 and any other law involving those activities,*
10 *\$30,000,000 for fiscal year 1996.*

11 (c) *RETIRED PAY.*—*There are authorized to be appro-*
12 *priated to the Secretary, for retired pay for retired commis-*
13 *sioned officers of the National Oceanic and Atmospheric Ad-*
14 *ministration under the Act of 1970, \$7,706,000 for fiscal*
15 *year 1996.*

16 (d) *MARINE SERVICES.*—

17 (1) *CONTRACTING AUTHORITY.*—*Notwithstanding*
18 *any other provision of law, the Secretary is author-*
19 *ized to enter into contracts for data or days-at-sea to*
20 *fulfill the National Oceanic and Atmospheric Admin-*
21 *istration missions of marine research, climate re-*
22 *search, fisheries research, and mapping and charting*
23 *services.*

24 (2) *UNOLS VESSEL AGREEMENTS.*—*In fulfilling*
25 *the National Oceanic and Atmospheric Administra-*

1 *tion mission requirements described in paragraph (1),*
2 *the Secretary shall use excess capacity of University-*
3 *National Oceanographic Laboratory System vessels*
4 *where appropriate, and may enter into memoranda of*
5 *agreement with operators of those vessels to carry out*
6 *those mission requirements.*

7 (3) *AUTHORIZATION OF APPROPRIATIONS.—*
8 *There are authorized to be appropriated to the Sec-*
9 *retary, to enable the National Oceanic and Atmos-*
10 *pheric Administration to carry out marine services*
11 *activities, including activities described in para-*
12 *graphs (1) and (2), \$60,689,000 for fiscal year 1996.*

13 (e) *AIRCRAFT SERVICES.—There are authorized to be*
14 *appropriated to the Secretary, to enable the National Oce-*
15 *anic and Atmospheric Administration to carry out aircraft*
16 *services activities (including aircraft operations, mainte-*
17 *nance, and support) under the Act of 1970 and any other*
18 *law involving those activities, \$9,548,000 for fiscal year*
19 *1996.*

20 (f) *FACILITIES REPAIRS AND RENOVATIONS.—There*
21 *are authorized to be appropriated to the Secretary, to enable*
22 *the National Oceanic and Atmospheric Administration to*
23 *carry out facilities repairs and renovations, \$7,374,000 for*
24 *fiscal year 1996.*

***TITLE IV—STREAMLINING OF
OPERATIONS***

SEC. 401. PROGRAM TERMINATIONS.

*(a) TERMINATIONS.—No funds may be appropriated
for the following programs and accounts:*

(1) The National Undersea Research Program.

*(2) The Fleet Modernization, Shipbuilding, and
Construction Account.*

*(3) The Charleston, South Carolina, Special
Management Plan.*

(4) Chesapeake Bay Observation Buoys.

(5) Federal/State Weather Modification Grants.

(6) The Southeast Storm Research Account.

*(7) The Southeast United States Caribbean Fish-
eries Oceanographic Coordinated Investigations Pro-
gram.*

*(8) National Institute for Environmental Re-
newal.*

(9) The Lake Champlain Study.

(10) The Maine Marine Research Center.

*(11) The South Carolina Cooperative Geodetic
Survey Account.*

(12) Pacific Island Technical Assistance.

(13) Sea Grant/Oyster Disease Account.

1 (14) *National Coastal Research and Development*
2 *Institute Account.*

3 (15) *VENTS program.*

4 (16) *National Weather Service Non-Federal,*
5 *Non-Wildfire Fire Weather Service.*

6 (17) *National Weather Service Regional Climate*
7 *Centers.*

8 (18) *National Weather Service Samoa Weather*
9 *Forecast Office Repair and Upgrade Account.*

10 (19) *Dissemination of Weather Charts (Marine*
11 *Facsimile Service).*

12 (b) *REPORT.*—*Not later than 60 days after the date*
13 *of the enactment of this Act, the Secretary shall submit to*
14 *the Committee on Science of the House of Representatives*
15 *and the Committee on Commerce, Science, and Transpor-*
16 *tation of the Senate a report certifying that all the pro-*
17 *grams listed in subsection (a) will be terminated no later*
18 *than September 30, 1995.*

19 (c) *REPEAL OF SEA GRANT PROGRAMS.*—

20 (1) *REPEALS.*—(A) *Section 208(b) of the Na-*
21 *tional Sea Grant College Program Act (33 U.S.C.*
22 *1127(b)) is repealed.*

23 (B) *Section 3 of the Sea Grant Program Im-*
24 *provement Act of 1976 (33 U.S.C. 1124a) is repealed.*

1 (2) *CONFORMING AMENDMENT.*—Section 209 of
2 the National Sea Grant College Program Act (33
3 U.S.C. 1128(b)(1)) is amended by striking “and sec-
4 tion 3 of the Sea Grant Program Improvement Act of
5 1976”.

6 (d) *ADDITIONAL REPEAL.*—The NOAA Fleet Mod-
7 ernization Act (33 U.S.C. 851 note) is repealed.

8 **SEC. 402. LIMITATION ON APPROPRIATIONS.**

9 (a) *SUBSEQUENT FISCAL YEARS.*—Notwithstanding
10 any other provision of law, no funds are authorized to be
11 appropriated for any fiscal year after fiscal year 1996 for
12 carrying out the programs, projects, and activities for
13 which funds are authorized by this Act.

14 (b) *FISCAL YEAR 1996.*—No more than \$1,692,470,000
15 is authorized to be appropriated to the Secretary for fiscal
16 year 1996, by this Act or any other Act, to enable the Na-
17 tional Oceanic and Atmospheric Administration to carry
18 out all activities associated with Operations, Research, and
19 Facilities.

20 (c) *REDUCTION IN TRAVEL BUDGET.*—Of the sums ap-
21 propriated under this Act for Operations, Research, and
22 Facilities, no more than \$20,000,000 may be used for reim-
23 bursement of travel and related expenses for National Oce-
24 anic and Atmospheric Administration personnel.

1 **SEC. 403. REDUCTION IN THE COMMISSIONED OFFICER**
2 **CORPS.**

3 (a) *MAXIMUM NUMBER.*—The total number of commis-
4 sioned officers on the active list of the National Oceanic
5 and Atmospheric Administration shall not exceed—

6 (1) 369 for fiscal year 1996;

7 (2) 100 for fiscal year 1997; and

8 (3) 50 for fiscal year 1998.

9 No such commissioned officers are authorized for any fiscal
10 year after fiscal year 1998.

11 (b) *SEPARATION PAY.*—The Secretary may separate
12 commissioned officers from the active list of the National
13 Oceanic and Atmospheric Administration, and may do so
14 without providing separation pay.

15 **TITLE V—MISCELLANEOUS**

16 **SEC. 501. WEATHER DATA BUOYS.**

17 (a) *PROHIBITION.*—It shall be unlawful for any unau-
18 thorized person to remove, change the location of, obstruct,
19 willfully damage, make fast to, or interfere with any weath-
20 er data buoy established, installed, operated, or maintained
21 by the National Data Buoy Center.

22 (b) *CIVIL PENALTIES.*—The Administrator is author-
23 ized to assess a civil penalty against any person who vio-
24 lates any provision of this section in an amount of not more
25 than \$10,000 for each violation. Each day during which
26 such violation continues shall be considered a new offense.

1 *Such penalties shall be assessed after notice and oppor-*
2 *tunity for a hearing.*

3 (c) *REWARDS.*—*The Administrator may offer and pay*
4 *rewards for the apprehension and conviction, or for infor-*
5 *mation helpful therein, of persons found interfering, in vio-*
6 *lation of law, with data buoys maintained by the National*
7 *Data Buoy Center; or for information leading to the discov-*
8 *ery of missing National Weather Service property or the*
9 *recovery thereof.*

10 ***SEC. 502. DUTIES OF THE NATIONAL WEATHER SERVICE.***

11 (a) *IN GENERAL.*—*To protect life and property and*
12 *enhance the national economy, the Secretary, through the*
13 *National Weather Service, except as outlined in subsection*
14 *(b), shall be responsible for—*

15 (1) *forecasts and shall serve as the sole official*
16 *source of weather warnings;*

17 (2) *the issue of storm warnings;*

18 (3) *the collection, exchange, and distribution of*
19 *meteorological, hydrological, climatic, and oceano-*
20 *graphic data and information; and*

21 (4) *the preparation of hydrometeorological guid-*
22 *ance and core forecast information.*

23 (b) *COMPETITION WITH PRIVATE SECTOR.*—*The Na-*
24 *tional Weather Service shall not compete, or assist other en-*
25 *tities to compete, with the private sector when a service is*

1 *currently provided or can be provided by commercial enter-*
2 *prise, unless—*

3 *(1) the Secretary finds that the private sector is*
4 *unwilling or unable to provide the services; and*

5 *(2) the service provides vital weather warnings*
6 *and forecasts for the protection of lives and property*
7 *of the general public.*

8 *(c) AMENDMENTS.—The Act of 1890 is amended—*

9 *(1) by striking section 3 (15 U.S.C. 313); and*

10 *(2) in section 9 (15 U.S.C. 317), by striking all*
11 *after “Department of Agriculture” and inserting in*
12 *lieu thereof a period.*

13 *(d) REPORT.—Not later than 60 days after the date*
14 *of the enactment of this Act, the Secretary shall submit to*
15 *the Committee on Science of the House of Representatives*
16 *and the Committee on Commerce, Science, and Transpor-*
17 *tation of the Senate a report detailing all National Weather*
18 *Service activities which do not conform to the requirements*
19 *of this section and outlining a timetable for their termi-*
20 *nation.*

21 **SEC. 503. REIMBURSEMENT OF EXPENSES.**

22 *(a) IN GENERAL.—Notwithstanding section 3302 (b)*
23 *and (c) of title 31, United States Code, and subject to sub-*
24 *section (b) of this section, all amounts received by the Unit-*
25 *ed States in settlement of, or judgment for, damage claims*

1 arising from the October 9, 1992, allision of the vessel
2 ZACHERY into the National Oceanic and Atmospheric Ad-
3 ministration research vessel DISCOVERER—

4 (1) shall be retained as an offsetting collection in
5 the Marine Services account of the National Oceanic
6 and Atmospheric Administration;

7 (2) shall be deposited in that account upon re-
8 ceipt by the United States Government; and

9 (3) shall be available only for obligation for Na-
10 tional Oceanic and Atmospheric Administration ves-
11 sel repairs.

12 (b) LIMITATION.—Not more than \$518,757.09 of the
13 amounts referred to in subsection (a) may be deposited into
14 the Marine Services account pursuant to subsection (a).

15 **SEC. 504. ELIGIBILITY FOR AWARDS.**

16 (a) IN GENERAL.—The Administrator shall exclude
17 from consideration for awards of financial assistance made
18 by the National Oceanic and Atmospheric Administration
19 after fiscal year 1995 any person who received funds, other
20 than those described in subsection (b), appropriated for a
21 fiscal year after fiscal year 1995, from any Federal funding
22 source for a project that was not subjected to a competitive,
23 merit-based award process. Any exclusion from consider-
24 ation pursuant to this section shall be effective for a period
25 of 5 years after the person receives such Federal funds.

1 (b) *EXCEPTION.*—Subsection (a) shall not apply to
2 awards to persons who are members of a class specified by
3 law for which assistance is awarded to members of the class
4 according to a formula provided by law.

5 **SEC. 505. PROHIBITION OF LOBBYING ACTIVITIES.**

6 None of the funds authorized by this Act shall be avail-
7 able for any activity whose purpose is to influence legisla-
8 tion pending before the Congress, provided that this shall
9 not prevent officers or employees of the United States or
10 of its departments or agencies from communicating to Mem-
11 bers of Congress on the request of any Member or to Con-
12 gress, through the proper channels, requests for legislation
13 or appropriations which they deem necessary for the effi-
14 cient conduct of the public business.

15 **SEC. 506. REPORT ON LABORATORIES.**

16 (a) *IN GENERAL.*—No later than 120 days after the
17 date of the enactment of this Act, the Secretary shall con-
18 duct a review of the laboratories operated by the National
19 Oceanic and Atmospheric Administration and submit a re-
20 port to the Committee on Science of the House of Represent-
21 atives and the Committee on Commerce, Science, and
22 Transportation of the Senate.

23 (b) *REQUIREMENTS.*—The report required by sub-
24 section (a) shall—

1 (1) *address potential efficiencies and savings*
2 *which could be achieved through closing or consolidat-*
3 *ing laboratory facilities;*

4 (2) *review each laboratory's—*

5 (A) *mission and activities and their cor-*
6 *relation to the mission priorities of the National*
7 *Oceanic and Atmospheric Administration;*

8 (B) *physical assets, equipment, condition,*
9 *and personnel resources; and*

10 (C) *organization and program manage-*
11 *ment; and*

12 (3) *address other issues the Inspector General*
13 *considers relevant.*

14 **SECTION 1. SHORT TITLE.**

15 **This Act may be cited as the “National**
16 **Oceanic and Atmospheric Administration Au-**
17 **thorization Act of 1995”.**

18 **SEC. 2. DEFINITIONS.**

19 **For the purposes of this Act, the term—**

20 (1) **“Act of 1890” means the Act enti-**
21 **tled “An Act to increase the efficiency**
22 **and reduce the expenses of the Signal**
23 **Corps of the Army, and to transfer the**
24 **Weather Bureau to the Department of Ag-**

1 riculture”, approved October 1, 1890 (26
2 Stat. 653);

3 (2) “Act of 1947” means the Act enti-
4 tled “An Act to define the functions and
5 duties of the Coast and Geodetic Survey,
6 and for other purposes”, approved Au-
7 gust 6, 1947 (33 U.S.C. 883a et seq.); and

8 (3) “Administrator” means the Admin-
9 istrator of the National Oceanic and At-
10 mospheric Administration.

11 **TITLE I—NATIONAL OCEAN** 12 **SERVICE**

13 SEC. 101. NATIONAL OCEAN SERVICE.

14 **(a) MAPPING, CHARTING, AND GEODESY.—**

15 (1) **AUTHORIZATION OF APPROPRIA-**
16 **TIONS.—**There are authorized to be appro-
17 priated to the Secretary of Commerce, to
18 enable the National Ocean and Atmos-
19 pheric Administration to carry out map-
20 ping, charting, and geodesy activities (in-
21 cluding geodetic data collection and anal-
22 ysis) under the Act of 1947 and any other
23 law involving those activities, \$58,500,000
24 for fiscal year 1996 and \$63,000,000 for
25 fiscal year 1997.

1 **(2) ENGINEERING SERVICES CON-**
2 **TRACTS.—The Secretary, subject to the**
3 **availability of appropriations, may award**
4 **contracts for hydrographic, geodetic, and**
5 **photogrammetric surveying and mapping**
6 **services in accordance with title IX of the**
7 **Federal Property and Administrative**
8 **Services Act of 1949 (40 U.S.C. 541 et**
9 **seq.).**

10 **(b) OBSERVATION AND ASSESSMENT.—(1)**
11 **There are authorized to be appropriated to**
12 **the Secretary of Commerce, to enable the Na-**
13 **tional Oceanic and Atmospheric Administra-**
14 **tion to carry out observation and assessment**
15 **activities, \$50,500,000 for each of fiscal years**
16 **1996 and 1997.**

17 **(2) Of the sums authorized under para-**
18 **graph (1), \$5,000,000 for each of fiscal years**
19 **1996 and 1997 are authorized to be appro-**
20 **priated for the purposes of conducting a**
21 **Coastal Ocean Program. Such program shall**
22 **augment and integrate existing programs of**
23 **the National Oceanic and Atmospheric Ad-**
24 **ministration, and shall include efforts to im-**
25 **prove predictions of fish stocks to better con-**

1 **serve and manage living marine resources, to**
2 **improve predictions of coastal ocean pollu-**
3 **tion to help correct and prevent degradation,**
4 **and to improve predictions of coastal hazards**
5 **to protect human life and personal property.**

6 **SEC. 102. OCEAN AND GREAT LAKES RESEARCH.**

7 **There are authorized to be appropriated**
8 **to the Secretary of Commerce, to enable the**
9 **National Oceanic and Atmospheric Adminis-**
10 **tration to carry out ocean and Great Lakes re-**
11 **search activities under the Act of 1947, the**
12 **Act of 1890, and any other law involving those**
13 **activities, \$13,000,000 for each of fiscal years**
14 **1996 and 1997.**

15 **SEC. 103. NATIONAL UNDERSEA RESEARCH PROGRAM.**

16 **(a) ESTABLISHMENT.—The Secretary of**
17 **Commerce shall—**

18 **(1) establish and maintain within the**
19 **Administration a program to be known as**
20 **the National Undersea Research Program**
21 **(in this section referred to as the “Pro-**
22 **gram”); and**

23 **(2) under the Program, establish and**
24 **maintain regional National Undersea Re-**
25 **search Centers.**

1 **(b) PURPOSE.—The purpose of the Pro-**
2 **gram shall be to increase knowledge essential**
3 **for the wise use and preservation of oceanic,**
4 **coastal, and large lake resources through ad-**
5 **vanced undersea exploration, sampling obser-**
6 **vation, and experimentation addressing is-**
7 **ssues of regional, national, and global impor-**
8 **tance.**

9 **(c) AUTHORIZATION OF APPROPRIATIONS.—**
10 **There are authorized to be appropriated to**
11 **the Secretary of Commerce—**

12 **(1) to administer the Program,**
13 **\$1,800,000 for each of fiscal years 1996**
14 **and 1997; and**

15 **(2) for grants and contracts to re-**
16 **gional National Undersea Research Cen-**
17 **ters, \$16,200,000 for each of fiscal years**
18 **1996 and 1997.**

19 **TITLE II—NOAA MARINE**
20 **FISHERY PROGRAMS**

21 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

22 **The National Oceanic and Atmospheric**
23 **Administration Marine Fisheries Program Au-**
24 **thorization Act (Public Law 98-210; 97 Stat.**
25 **1409) is amended—**

1 **(1) in section 2(a)—**

2 **(A) by striking “and” after “1992”**
3 **and inserting a comma; and**

4 **(B) by inserting before the period**
5 **at the end the following: “, \$45,000,000**
6 **for each of fiscal years 1996 and**
7 **1997”;**

8 **(2) in section 3(a)—**

9 **(A) by striking “and” after “1992”**
10 **and inserting a comma; and**

11 **(B) by inserting before the period**
12 **at the end the following: “, \$27,000,000**
13 **for each of fiscal years 1996 and**
14 **1997”;**

15 **(3) in section 4(a)—**

16 **(A) by striking “and” after “1992”**
17 **and inserting a comma; and**

18 **(B) by inserting before the period**
19 **at the end the following: “, \$18,000,000**
20 **for each of fiscal years 1996 and**
21 **1997”; and**

22 **(4) in section 2(e)—**

23 **(A) by striking “1992 and 1993”**
24 **and inserting “1996 and 1997”;**

1 **(B) by striking “establish” and in-**
2 **serting “operate”;**

3 **(C) by striking “306” and inserting**
4 **“307”; and**

5 **(D) by striking “1991” and insert-**
6 **ing “1992”.**

7 **TITLE III—MISCELLANEOUS**
8 **PROVISIONS**

9 **SEC. 301. PROGRAM SUPPORT.**

10 **(a) EXECUTIVE DIRECTION AND ADMINISTRA-**
11 **TIVE ACTIVITIES.—There are authorized to be**
12 **appropriated to the Secretary of Commerce,**
13 **to enable the National Oceanic and Atmos-**
14 **pheric Administration to carry out executive**
15 **direction and administrative activities (in-**
16 **cluding management, administrative support,**
17 **provision of retired pay of National Oceanic**
18 **and Atmospheric Administration commis-**
19 **sioned officers, and policy development)**
20 **under the Act entitled “An Act to clarify the**
21 **status and benefits of commissioned officers**
22 **of the National Oceanic and Atmospheric Ad-**
23 **ministration, and for other purposes”, ap-**
24 **proved December 31, 1970 (33 U.S.C. 857–1 et**
25 **seq.), and any other law involving those ac-**

1 **tivities, \$60,000,000 for each of fiscal years**
2 **1996 and 1997.**

3 **(b) ACQUISITION, CONSTRUCTION, MAINTENANCE, AND OPERATION OF FACILITIES.—There**
4 **are authorized to be appropriated to the Sec-**
5 **retary of Commerce, for acquisition, construc-**
6 **tion, maintenance, and operation of facilities**
7 **of the National Oceanic and Atmospheric Ad-**
8 **ministration under any law involving those**
9 **activities, \$43,000,000 for fiscal year 1996, and**
10 **such sums as may be necessary for fiscal year**
11 **1997.**

12 **(c) MARINE SERVICES.—There are author-**
13 **ized to be appropriated to the Secretary of**
14 **Commerce, to enable the National Oceanic**
15 **and Atmospheric Administration to carry out**
16 **marine services activities (including ship op-**
17 **erations, maintenance, and support) under**
18 **the Act of 1947 and any other law involving**
19 **those activities, \$60,000,000 for each of fiscal**
20 **years 1996 and 1997.**

21 **SEC. 302. CONVEYANCE OF NATIONAL MARINE FISHERIES**
22 **SERVICE LABORATORY AT GLOUCESTER,**
23 **MASSACHUSETTS.**

24 **(a) CONVEYANCE REQUIRED.—**

1 **(1) IN GENERAL.—The Secretary of**
2 **Commerce shall convey to the Common-**
3 **wealth of Massachusetts all right, title,**
4 **and interest of the United States in and**
5 **to the property comprising the National**
6 **Marine Fisheries Service laboratory lo-**
7 **cated on Emerson Avenue in Gloucester,**
8 **Massachusetts.**

9 **(2) TERMS.—A conveyance of property**
10 **under paragraph (1) shall be made—**

11 **(A) without payment of consider-**
12 **ation; and**

13 **(B) subject to the terms and con-**
14 **ditions specified under subsections**
15 **(b) and (c).**

16 **(b) CONDITIONS FOR TRANSFER.—**

17 **(1) IN GENERAL.—As a condition of any**
18 **conveyance of property under this sec-**
19 **tion, the Commonwealth of Massachu-**
20 **setts shall assume full responsibility for**
21 **maintenance of the property for as long**
22 **as the Commonwealth retains the right**
23 **and title to that property.**

24 **(2) CONTINUED USE OF PROPERTY BY**
25 **NMFS.—The Secretary may enter into a**

1 **memorandum of understanding with the**
2 **Commonwealth of Massachusetts under**
3 **which the National Marine Fisheries**
4 **Service is authorized to occupy existing**
5 **laboratory space on the property con-**
6 **veyed under this section, if—**

7 **(A) the term of the memorandum**
8 **of understanding is for a period of**
9 **not longer than 5 years beginning on**
10 **the date of enactment of this Act; and**

11 **(B) the square footage of the**
12 **space to be occupied by the National**
13 **Marine Fisheries Service does not**
14 **conflict with the needs of, and is**
15 **agreeable to, the Commonwealth of**
16 **Massachusetts.**

17 **(c) REVERSIONARY INTEREST.—All right,**
18 **title, and interest in and to all property con-**
19 **veyed under this section shall revert to the**
20 **United States on the date on which the Com-**
21 **monwealth of Massachusetts uses any of the**
22 **property for any purpose other than the Com-**
23 **monwealth of Massachusetts Division of Ma-**
24 **rine Fisheries resource management pro-**
25 **gram.**

1 **SEC. 303. CLEANUP OF NOAA FACILITIES.**

2 **(a) IN GENERAL.—The Secretary of Com-**
3 **merce shall cleanup landfills, wastes, dumps,**
4 **debris, storage tanks, property, hazardous or**
5 **unsafe conditions, and contaminants (includ-**
6 **ing, without limitation, petroleum products**
7 **and their derivatives), on lands which the Na-**
8 **tional Oceanic and Atmospheric Administra-**
9 **tion and its predecessor agencies abandoned,**
10 **quitclaimed, or otherwise transferred, or is**
11 **obligated to transfer, to local entities or land-**
12 **owners on the Pribilof Islands, Alaska, pursu-**
13 **ant to the Fur Seal Act of 1966 (16 U.S.C. 1161**
14 **et seq.).**

15 **(b) SPECIFIC REQUIREMENTS.—To carry out**
16 **subsection (a), the Secretary shall—**

17 **(1) by December 31, 1995, executive**
18 **agreements with the State of Alaska, af-**
19 **ected local entities and landowners, and**
20 **in the case of new landfills, the Indian**
21 **Health Service;**

22 **(2) manage the cleanup required in**
23 **subsection (a) with the minimum possible**
24 **Federal overhead, delay, and duplication**
25 **of State and local planning and design**
26 **work;**

1 **(3) receive approval of the State of**
2 **Alaska for the cleanup plans prepared as**
3 **a result of the agreements described in**
4 **subsection (b)(1) where said cleanup is**
5 **required by State law;**

6 **(4) receive approval of affected local**
7 **entities and landowners before conduct-**
8 **ing cleanup work on their property, if**
9 **such approval is not obtained by agree-**
10 **ment in accordance with paragraph (5);**

11 **(5) to the maximum extent possible,**
12 **and notwithstanding any other law, carry**
13 **out duties under this Act and under**
14 **other Federal laws on the Pribilof Islands**
15 **through contracts, grants, or cooperative**
16 **agreements, including agreements on a**
17 **reimbursable basis, with the local entities**
18 **and landowners and with residents of the**
19 **Pribilof Islands; and**

20 **(6) not require financial contribu-**
21 **tions by or from local entities or land-**
22 **owners.**

23 **(c) CONTENTS OF AGREEMENTS.—The agree-**
24 **ments described in subsection (b)(1) shall—**

1 **(1) require the Secretary to clean up**
2 **all sites referred to in subsection (a), as**
3 **soon as possible;**

4 **(2) specify the Secretary’s responsibil-**
5 **ity to—**

6 **(A) contribute to the planning**
7 **and construction of new or redevel-**
8 **oped landfills;**

9 **(B) provide technical and finan-**
10 **cial assistance and training to the**
11 **local entities and landowners and**
12 **residents of the Pribilof Islands; and**

13 **(C) to the greatest extent possible,**
14 **secure their participation in carrying**
15 **out this section.**

16 **(d) DEFINITIONS.—For purposes of this sec-**
17 **tion—**

18 **(1) the term “cleanup” means, without**
19 **limitation, planning and execution of re-**
20 **mediation actions for lands described in**
21 **subsection (a) and redevelopment of land-**
22 **fills to meet regulatory requirements; and**

23 **(2) the term “local entities and land-**
24 **owners” means those local political sub-**
25 **divisions and entities that have received**

1 **or are eligible to receive lands under the**
2 **Fur Seal Act of 1966 (16 U.S.C. 1161 et**
3 **seq.)**

4 **SEC. 304. NOAA FLEET MODERNIZATION.**

5 **(a) SERVICE CONTRACTS.—Notwithstanding**
6 **any other provision of law and subject to the**
7 **availability of appropriations, the Adminis-**
8 **trator shall enter into contracts, including**
9 **multiyear contracts, subject to subsection (d),**
10 **for the use of vessels to conduct oceano-**
11 **graphic research and fisheries research, mon-**
12 **itoring, enforcement, and management, and**
13 **for the use of vessels to acquire mapping and**
14 **charting data necessary to carry out the mis-**
15 **sions of the Administration. The Adminis-**
16 **trator shall enter into these contracts un-**
17 **less—**

18 **(1) the cost of the contract is more**
19 **than the cost (including the cost of vessel**
20 **operation, maintenance, and all person-**
21 **nel) to the Administration of obtaining**
22 **those services on vessels of the Adminis-**
23 **tration;**

24 **(2) the contract is for more than 7**
25 **years;**

1 **(3) the Administrator finds that it is**
2 **not in the public interest to do so; or**

3 **(4) the data is acquired through a**
4 **vessel agreement pursuant to subsection**
5 **(e).**

6 **(b) REPORT.—The Administrator shall re-**
7 **port to Congress by February 1, 1996, on the**
8 **need to own, lease, or charter vessels to ac-**
9 **quire data.**

10 **(c) VESSELS.—After the date of the enact-**
11 **ment of this Act, the Administrator may not**
12 **enter into any contract for the construction,**
13 **lease-purchase, or service life extension of**
14 **any vessel unless specifically authorized by**
15 **Congress.**

16 **(d) MULTIYEAR CONTRACTS.—**

17 **(1) IN GENERAL.—Subject to para-**
18 **graphs (2) and (3), and notwithstanding**
19 **section 1341 of title 31 and section 11 of**
20 **title 41, the Administrator may acquire**
21 **data under multiyear contracts.**

22 **(2) REQUIRED FINDINGS.—The Adminis-**
23 **trator may not enter into a contract pur-**
24 **suant to this subsection unless the Ad-**
25 **ministrator finds with respect to that**

1 **contract that there is a reasonable expect-**
2 **tation that throughout the contemplated**
3 **contract period the Administrator will re-**
4 **quest from Congress funding for the con-**
5 **tract at the level required to avoid con-**
6 **tract termination.**

7 **(3) REQUIRED PROVISIONS.—The Ad-**
8 **ministrator may not enter into a contract**
9 **pursuant to this subsection unless the**
10 **contract includes—**

11 **(A) a provision under which the**
12 **obligation of the United States to**
13 **make payments under the contract**
14 **for any fiscal year is subject to the**
15 **availability of appropriations pro-**
16 **vided in advance for those payments;**

17 **(B) a provision that specifies the**
18 **term of effectiveness of the contract;**
19 **and**

20 **(C) appropriate provisions under**
21 **which, in case of any termination of**
22 **the contract before the end of the**
23 **term specified pursuant to subpara-**
24 **graph (B), the United States shall**
25 **only be liable for the lesser of—**

1 **(i) an amount specified in the**
2 **contract for such a termination;**
3 **or**

4 **(ii) amounts that—**

5 **(I) were appropriated be-**
6 **fore the date of the termi-**
7 **nation for the performance of**
8 **the contract or for procure-**
9 **ment of the type of acquisi-**
10 **tion covered by the contract;**
11 **and**

12 **(II) are unobligated on the**
13 **date of the termination.**

14 **(e) VESSEL AGREEMENTS.—The Adminis-**
15 **trator shall use excess capacity of University**
16 **National Oceanographic Laboratory System**
17 **vessels where appropriate and may enter into**
18 **memoranda of agreement with the operators**
19 **of these vessels to carry out this requirement.**

20 **(f) TRANSFER OF EXCESS VESSELS.—The Ad-**
21 **ministrator shall transfer any vessels found**
22 **excess to the needs of the Administration to**
23 **the National Defense Reserve Fleet. Notwith-**
24 **standing any other provision of law, these**
25 **vessels may be scrapped in accordance with**

1 **section 1160(i) of title 46 App. United States**
2 **Code.**

3 **(g) VESSEL RETIREMENT FUND.—There shall**
4 **be established in the Treasury a National Ma-**
5 **rine Resources Administration Vessel Retire-**
6 **ment Fund. Notwithstanding any other provi-**
7 **sion of law, 95 percent of amounts received by**
8 **the United States—**

9 **(1) from the scrapping of Administra-**
10 **tion vessels transferred to the National**
11 **Defense Reserve Fleet; and**

12 **(2) in settlement of, or judgment for,**
13 **damage claims arising from the October**
14 **9, 1992, collision of the vessel ZACHARY**
15 **into the National Oceanic and Atmos-**
16 **pheric Administration research vessel**
17 **DISCOVERER,**

18 **shall be deposited in such Fund. Expenditures**
19 **from such Fund shall cover the Maritime Ad-**
20 **ministration's costs of laying up and selling**
21 **the vessels. Any additional moneys in such**
22 **Fund shall be used by the Administration to**
23 **make separation payments to commissioned**
24 **officers of the National Oceanic and Atmos-**
25 **pheric Administration.**

1 **SEC. 305. TERMINATION OF THE NATIONAL OCEANIC AND**
2 **ATMOSPHERIC ADMINISTRATION CORPS OF**
3 **COMMISSIONED OFFICERS.**

4 **(a) NUMBER OF OFFICERS.—Notwithstand-**
5 **ing section 8 of the Act of June 3, 1948 (33**
6 **U.S.C. 853g), the total number of commis-**
7 **sioned officers on the active list of the Na-**
8 **tional Oceanic and Atmospheric Administra-**
9 **tion shall not exceed 358 for fiscal year 1996**
10 **and 50 for fiscal year 1997. No commissioned**
11 **officers are authorized for any fiscal year**
12 **after fiscal year 1997.**

13 **(b) SEPARATION PAY.—The Secretary of**
14 **Commerce may separate commissioned offi-**
15 **cers from the active list of the National Oce-**
16 **anic and Atmospheric Administration, and**
17 **may do so without providing separation pay.**

18 **(c) TRANSFER.—**

19 **(1) TRANSFER TO ARMED SERVICES.—**
20 **Subject to the approval of the Secretary**
21 **of Defense and under terms and condi-**
22 **tions specified by the Secretary, commis-**
23 **sioned officers subject to subsection (a)**
24 **may transfer to the armed services under**
25 **section 716 of title 10, United States Code.**

1 **(2) TRANSFER TO COAST GUARD.—Sub-**
2 **ject to the approval of the Secretary of**
3 **Transportation and under terms and con-**
4 **ditions specified by the Secretary, com-**
5 **missioned officers subject to subsection**
6 **(a) may transfer to the Coast Guard**
7 **under section 716 of title 10, United**
8 **States Code.**

9 **(3) TRANSFER TO ADMINISTRATION AS**
10 **MEMBER OF CIVIL SERVICE.—Subject to the**
11 **approval of the Administrator and under**
12 **terms and conditions specified by the Ad-**
13 **ministrator, commissioned officers sub-**
14 **ject to subsection (a) who on the date of**
15 **enactment of this Act have been assigned**
16 **for a period of one year or more to the**
17 **programs transferred to the Administra-**
18 **tion by this Act (other than those associ-**
19 **ated with the modernization of the Na-**
20 **tional Oceanic and Atmospheric Adminis-**
21 **tration fleet or the operations of the Na-**
22 **tional Oceanic and Atmospheric Adminis-**
23 **tration Corps of Commissioned Officers)**
24 **may transfer to the Administration as**
25 **members of the civil service.**

1 **(d) REPEALS.—**

2 **(1) IN GENERAL.—The following provi-**
3 **sions of law are repealed:**

4 **(A) The Coast and Geodetic Sur-**
5 **vey Commissioned Officers' Act of**
6 **1948 (33 U.S.C. 853a–853o, 853p–853u).**

7 **(B) Section 5 of the Act of Feb-**
8 **ruary 16, 1929 (Chapter 221; 45 Stat.**
9 **1187).**

10 **(C) The Act of January 19, 1942**
11 **(Chapter 6; 56 Stat. 6).**

12 **(D) Section 9 of Public Law 87–**
13 **649 (76 Stat. 495).**

14 **(E) Section 16 of the Act of May**
15 **22, 1917 (Chapter 20; 40 Stat. 87; 33**
16 **U.S.C. 854 et seq.).**

17 **(F) The Act of December 3, 1942**
18 **(Chapter 670; 56 Stat. 1038).**

19 **(G) Sections 1 through 5 of Public**
20 **Law 91–621 (84 Stat. 1863; 33 U.S.C.**
21 **857–1 et seq.).**

22 **(H) Section 3 of the Act of August**
23 **10, 1956 (Chapter 1041; 70A Stat. 619;**
24 **33 U.S.C. 857a).**

1 **(I) Section 11 of the Act of May 18,**
2 **1920 (Chapter 190; 41 Stat. 603; 33**
3 **U.S.C. 864).**

4 **(J) The Act of July 22, 1947 (Chap-**
5 **ter 286; 61 Stat. 400; 33 U.S.C. 873,**
6 **874).**

7 **(K) The Act of August 3, 1956**
8 **(Chapter 932; 70 Stat. 988; 33 U.S.C.**
9 **875, 876).**

10 **(L) All other Acts inconsistent**
11 **with this subsection.**

12 **(2) EFFECTIVE DATE.—The effective**
13 **date of the repeals under paragraph (1)**
14 **shall be September 30, 1997.**

15 **(e) UNEXPENDED BALANCES.—Unexpended**
16 **balances of appropriations, allocations, and**
17 **other funds available or made available in**
18 **connection with the National Oceanic and At-**
19 **mospheric Administration Corps of Commis-**
20 **sioned officers may be used by the Adminis-**
21 **trator for payments under section 8 of the Act**
22 **of June 3, 1948 (33 U.S.C. 853g).**

23 **(f) ABOLITION.—The Office of the National**
24 **Oceanic and Atmospheric Administration**
25 **Corps of Operations and the Commissioned**

1 **Personnel Center are abolished effective Sep-**
2 **tember 30, 1997.**

3 **SEC. 306. OTHER TERMINATIONS.**

4 **The following programs of the National**
5 **Oceanic and Atmospheric Administration are**
6 **terminated:**

7 **(1) The National Oceanic and Atmos-**
8 **pheric Administration Fleet Moderniza-**
9 **tion Program.**

10 **(2) The Global Learning and Observa-**
11 **tions to Benefit the Environment Pro-**
12 **gram.**

13 **(3) The Sea Grant oyster disease ac-**
14 **count.**

15 **(4) The Sea Grant zebra mussel ac-**
16 **count.**

17 **(5) VENTS.**

18 **(6) The Charleston, South Carolina**
19 **Special Management Plan.**

20 **(7) The Lake Champlain study.**

21 **(8) The South Carolina cooperative**
22 **geodetic survey.**

23 **(9) The Chesapeake Bay data buoys**
24 **(as of September 30, 1996).**

25 **(10) Great Lakes nearshore research.**

1 **(11) Mussel watch.**

2 **Any unobligated balances appropriated to**
3 **carry out any program referred to in this sub-**
4 **section shall be transferred to the general**
5 **fund of the Treasury.**

6 **SEC. 307. REPEALS.**

7 **The following are repealed:**

8 **(1) The National Advisory Committee**
9 **on Oceans and Atmosphere Act of 1977,**
10 **Public Law 95-63, 91 Stat. 265 (33 U.S.C.**
11 **857-13 through 857-18).**

12 **(2) The Ocean Thermal Conversion**
13 **Act of 1980 (42 U.S.C. 9101 et seq.).**

14 **(3) Title IV of the Marine Protection,**
15 **Research, and Sanctuaries Act of 1972 (16**
16 **U.S.C. 1447 et seq.).**

17 **(4) Title V of the Marine Protection,**
18 **Research, and Sanctuaries Act of 1972 (33**
19 **U.S.C. 2801 et seq.).**

20 **(5) The Great Lakes Shoreline Map-**
21 **ping Act of 1987 (33 U.S.C. 883a note).**

22 **(6) The Great Lakes Fish and Wildlife**
23 **Tissue Bank Act (16 U.S.C. 943 et seq.).**

1 **(7) The Nonindigenous Aquatic Nui-**
2 **sance Prevention and Control Act of 1990**
3 **(16 U.S.C. 4701 et seq.).**

4 **(8) Section 3 of the Sea Grant Pro-**
5 **gram Improvement Act of 1976 (33 U.S.C.**
6 **1124a).**

7 **(9) Section 305 of the Coastal Zone**
8 **Management Act of 1972 (16 U.S.C. 1454)**
9 **is repealed effective October 1, 1998.**

10 **(10) The NOAA Fleet Modernization**
11 **Act (33 U.S.C. 891 et seq.).**

12 **(11) Public Law 85-342 (72 Stat. 35; 16**
13 **U.S.C. 778 et seq.), relating to fish re-**
14 **search and experimentation.**

15 **(12) The first section of the Act of Au-**
16 **gust 8, 1956 (70 Stat. 1126; 16 U.S.C. 760d),**
17 **relating to grants for commercial fishing**
18 **education.**

19 **(13) Public Law 86-359 (16 U.S.C. 760e**
20 **et seq.), relating to the study of migratory**
21 **marine gamefish.**

22 **(14) The Act of August 15, 1914 (Chap-**
23 **ter 253; 38 Stat. 692; 16 U.S.C. 781 et seq.),**
24 **prohibiting the taking of sponges in the**
25 **Gulf of Mexico and the Straits of Florida.**

1 **SEC. 308. BUDGET PRESENTATION.**

2 **The Administrator shall develop a revised**
3 **budget structure that displays the amounts**
4 **requested under a true program office and ac-**
5 **tivity structure. This budget structure shall**
6 **identify and segregate amounts requested for**
7 **headquarters and field office components of**
8 **various activities as well as indicate the**
9 **amounts intended for external grants or con-**
10 **tracts. The Administrator shall develop this**
11 **budget structure in consultation with the**
12 **Committee on Appropriations and the Com-**
13 **mittee on Resources of the House of Rep-**
14 **resentatives, and shall use this revised budget**
15 **structure in the submission of the fiscal year**
16 **1997 budget request of the Administrator.**

17 **SEC. 309. SOUTH FLORIDA COASTAL OCEAN STUDIES.**

18 **(a) IN GENERAL.—The Administrator may**
19 **implement an integrated program to study**
20 **the role of ocean circulation in coastal ocean**
21 **processes affecting the health of South Flor-**
22 **ida's coastal ecosystems and fisheries, includ-**
23 **ing the effects of pollutants on living marine**
24 **resources.**

25 **(b) AUTHORIZATION OF APPROPRIATIONS.—**
26 **There are authorized to be appropriated to**

1 the Administrator to carry out this section
2 \$1,350,000 for each of fiscal years 1996 and
3 1997.

4 SEC. 310. OCEAN APPLICATIONS BRANCH.

5 (a) ESTABLISHMENT.—The Secretary of
6 Commerce shall establish and maintain with-
7 in the Administration a program to be known
8 as the Ocean Application Branch (in this sec-
9 tion referred to as the “Branch”).

10 (b) PURPOSE.—The purpose of the Branch
11 shall be to make meteorological and other
12 weather information developed by the De-
13 partment of Defense Fleet Numerical Meteor-
14 ology and Oceanography Center available for
15 private, educational, and government use
16 pursuant to agreement between the Secretary
17 of Defense and the Secretary of Commerce. It
18 shall be the goal of the Secretary of Com-
19 merce to support the activities of the Ocean
20 Applications Branch through user fees.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—
22 There are authorized to be appropriated up to
23 \$450,000 to support the operation of the
24 Branch not supported by user fees.

1 **(d) LIMITATION ON CLOSURE.—The Sec-**
2 **retary of Commerce shall not terminate oper-**
3 **ation of the Branch, before the Branch fully**
4 **funds its operations through user fees or fis-**
5 **cal year 2000, whichever comes first.**

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